

unpatentable over Kedem in view of van der Wal and further in view of Sato, U.S. patent no. 5,133,071. This rejection is respectfully traversed.

Statement of Common Ownership

Kedem was filed on December 31, 1997, and issued on December 26, 2000. Kedem therefore qualifies as 102(e) prior art to the Applicant's parent Application filed on December 18, 1998. Under the AIPA, continuing patent applications filed on parent applications filed before May 29, 2000 are subject to the AIPA rules governing 103 rejections. This Response accompanies such a CPA.

In accordance with the AIPA rules, 103 rejections based on commonly owned 102(e) prior art may be disqualified. The Applicant asserts that Kedem and the Applicant's pending Application were both 100% commonly owned by EMC Corporation of Hopkinton, MA at the time the invention described in the Application was made, as is evidenced by Kedem's Assignee reference and by the Applicant's Assignment recorded on March 8, 1999 at Reel 9816, Frame 0564. The Applicant therefore respectfully requests that Kedem be disqualified as prior art to Applicant's invention for purposes of 35 U.S.C. 103.

Because all outstanding claim rejections are based on Kedem as a primary reference, the Applicant respectfully requests that the rejections be withdrawn and that the claims be placed in condition for allowance.

Conclusion

Applicant asserts that the above claims are now in condition for allowance. An indication of such is respectfully requested.

In the event any extension of time for responding are required for the pending application, please treat this paper as a petition to extend the times required and charge deposit account number 05-0889 therefore.

Should further questions arise concerning this application, the Examiner is invited to call Applicant's attorney at the number listed below.

Respectfully Submitted,



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July 20, 2002